

# **Summary Judgment**

## **Exhibit I**

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

-----X  
DOUGLAS J. HORN and CINDY HARP-HORN,

Plaintiffs,

-against-

MEDICAL MARIJUANA, INC.,  
DIXIE ELIXIRS AND EDIBLES,  
RED DICE HOLDINGS, LLC, and  
DIXIE BOTANICALS,

Defendants,  
-----X

Civil Action No:  
15-cv-701 FPG/MJR

**PLAINTIFF'S FIRST  
FRCP 26(a)(2) DISCLOSURE**

COUNSELORS:

PLEASE TAKE NOTICE, that pursuant to FRCP 26(a)(2) plaintiffs, DOUGLAS J. HORN and CINDY HARP-HORN, provides expert disclosure as follows:

1. Plaintiff intends to call Kenneth D. Graham, Ph.D., R.Ph. at the time of trial as an expert in Forensic Toxicology.
2. Annexed hereto as Exhibit "A" is a copy of Dr. Graham's Curriculum Vitae.
3. Annexed hereto as Exhibit "B" is a copy of a list of Dr. Graham's other cases in which he has testified.
4. Annexed hereto as Exhibit "C" is a copy of Dr. Graham's written report in the above case.
5. Dr. Graham is expected to testify consistent with the annexed report *inter alia*, that plaintiffs' reliance on defendants' advertising and promotional materials, and Mr. Horn's daily ingestion of the Dixie X Elixir product for the week preceding his DOT urine sample collection on October 9, 2012 was the direct cause of his positive THC drug test result which subsequently led to his loss of employment.

6. The Exhibits supporting Dr. Graham's opinions are annexed collectively hereto and are summarized on Page 1 of Dr. Graham's Report also annexed hereto.
7. Dr. Graham's compensation to be paid for study in the case is \$330.00 per hour. His compensation for testimony in the case is \$355.00 per hour.
8. Plaintiff reserves the right to supplement and/or amend the instant disclosures at a later time pursuant to the FRCP.

Dated: Great Neck, New York  
August 30, 2017

KUPILLAS, UNGER & BENJAMIN, LLP.

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